

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 05-CR-50090-01

vs.

HON. BERNARD A. FRIEDMAN

D'ANGELO JOVAN DENNIS,

Defendant.

/

ORDER DENYING DEFENDANT'S MOTION TO MODIFY SENTENCE

Defendant has filed a motion in this matter “to modify sentence based on recent retroactive application of sentencing guidelines and Fair Sentencing Act” [docket entry 49]. Defendant argues he is eligible to be resentenced under *U.S. v. Blewett*, 719 F.3d 482 (6th Cir. 2013), in which a panel of the court of appeals held that the Fair Sentencing Act (“FSA”), which was passed in 2010, applies retroactively to permit the resentencing of certain defendants. Defendant, who was sentenced in 2006, argues he is eligible for resentencing under this ruling. However, this panel decision was subsequently overruled by *U.S. v. Blewett*, – F.3d –, 2013 WL 6231727 (6th Cir. Dec. 3, 2013), in which the court of appeal sitting *en banc* held that the FSA does not apply retroactively. Accordingly, defendant is not eligible for resentencing. His motion to modify sentence is therefore denied.

SO ORDERED.

Dated: January 24, 2014
Detroit, Michigan

S/ Bernard A. Friedman _____
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE